

FILED

JAN 21 2026

Jeffrey A. Voorhees
Circuit Clerk, Christian County

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT
CHRISTIAN COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. KWAME RAOUL, Attorney General)
of the State of Illinois,)
Plaintiff,)
v.) No. 22 CH 06
THE KROGER CO.,)
an Ohio corporation,)
and)
SSI SERVICES, LLC,)
an Indiana limited liability company,)
Defendants.)

CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois ("State" or "Plaintiff"), the Illinois Environmental Protection Agency ("Illinois EPA"), and Defendants, THE KROGER CO. ("Kroger") and SSI SERVICES, LLC ("SSI") (the State, Illinois IEPA, Kroger and SSI are referred to collectively as "Parties to the Consent Order") (Kroger and SSI are also collectively referred to herein as "Defendants") have agreed to the making of this Consent Order and submit it to this Court for approval.

I. INTRODUCTION

1. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Court's entry of the Consent Order and issuance of any injunctive

relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2024) and the Illinois Pollution Control Board ("Board") Regulations alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Consent Order that it be a final judgment on the merits of this matter.

2. The Defendants agree that none of the facts stipulated herein shall be introduced into evidence in any other civil proceeding or litigation between the Defendants relating to the allegations in the Complaint. The Defendants further agree that this Consent Order does not resolve any claims, causes of action, or damages between Kroger, SSI and or any other potential third party and all such claims are preserved hereby.

A. Background

This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Courts entry of the Consent Order and issuance of any injunctive relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (Act), 415 ILCS 5/1 *et seq.* (2024), and the Illinois Pollution Control Board (Board) Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the parties to this Consent Order that it be a final judgment on the merits of this matter.

B. Parties

1. On August 12, 2022, a Complaint was filed against Kroger and SSI on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, ("Complaint") on his own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) and 43 of the Act, 415 ILCS 5/42(d), (e), and 43 (2024).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2024).

3. At all times relevant to the Complaint, Defendant Kroger was an Ohio corporation doing business in the State of Illinois and Defendant SSI Services, LLC, was an Indiana limited liability company doing business in the State of Illinois.

4. At all times relevant to the Complaint, Kroger, by and through its wholly-owned affiliate, Kroger Limited Partnership I, an Ohio limited partnership, owned and operated a retail grocery store in a commercial building located at 201 East Bidwell Street, Taylorville, Christian County, Illinois 62568 ("Facility").

5. At all times relevant to the Complaint, SSI conducted renovation activity at the Facility.

6. Prior to July 1, 2022, Kroger contracted with SSI, an Illinois Department of Public Health licensed asbestos abatement contractor, to perform asbestos abatement measures at the Facility. On July 1, 2022, Defendant SSI submitted an asbestos notification of demolition and renovation form ("Notice") to the Illinois EPA notifying the agency of renovation activities that SSI would conduct at the Facility, including the scope of the project and the removal methods that it would employ. The Notice was submitted pursuant to applicable asbestos abatement regulations.

7. On July 29, 2022, Illinois EPA inspected the Facility.

8. On July 29, 2022, the Director of Illinois EPA signed a Seal Order, pursuant to Section 34(b) of the Act, 415 ILCS 5/34(b) (2022), sealing the facility and any dumpsters and transfer containers associated with the Facility and required posting of signs stating that the area within is closed to the public ("Seal Order").

9. In response to the July 29, 2022 Seal Order issued by Illinois EPA, Defendant

Kroger: (1) ceased any and all renovation, construction and commercial activities at the Facility, including but not limited to all renovation, and removal, handling and disposal of alleged Asbestos Containing Material (“ACM”) or suspected alleged ACM; (2) sealed the Facility and all dumpsters and transfer containers associated with the Facility and any renovation work taking place at the Facility; (3) posted signs stating the area was closed to the public and warnings related to asbestos; and (4) prevented entry into the Facility by any persons not explicitly authorized by the Illinois EPA. After the issuance of the Seal Order, no person, including Kroger personnel, entered the Facility without prior authorization from the Illinois EPA through modifications to the Seal Order.

C. Allegations of Non-Compliance

Plaintiff contends that the Defendants have violated the following provisions of the Act and Board Regulations:

- Count I:** Substantial Endangerment of the Environment and Public Health and Welfare – Section 43(a) of the Act, 415 ILCS 5/43(a) (2024)
- Count II:** Air Pollution – Section 9(a) of the Act, 415 ILCS 5/9(a) (2024) and Section 201.141 of the Board’s Regulations, 35 Ill. Adm. Code 201.141
- Count III:** Improper Removal, Handling, and Deposition of Regulated Asbestos-Containing Materials (“RACM”) – Section 61.145(c)(1) of the Asbestos NESHAP, 40 C.F.R. § 61.145(c)(1), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024)
- Count IV:** Failure to Adequately Wet During Removal Regulated Asbestos-Containing Material (“RACM”) – Section 61.145(c)(6) of the Asbestos NESHAP, 40 C.F.R. § 61.145(c)(6), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024)
- Count V:** Failure to Properly Dispose of Asbestos-Containing Waste Material – Section 61.150(a)(1)(iii)-(v) of the Asbestos NESHAP, 40 C.F.R. § 61.150(a)(1)(iii)-(v), and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2024)

D. No Admission of Violations

The Defendants represent that they have entered into this Consent Order for the purposes of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Consent Order and complying with its terms, Defendants do not affirmatively admit any of the allegations within the Complaint and referenced herein and nothing in this Consent Order shall be interpreted as such an admission.

E. Compliance Activities

1. Since the issuance of the Seal Order, Kroger and SSI have strictly complied with its terms and any modifications thereto.
2. On August 1, 2022, on behalf of Kroger, and pursuant to the Illinois EPA's request, True North Environmental Consultants ("True North"), a licensed asbestos abatement and remediation design contractor, submitted an Asbestos Hazard Assessment project design plan ("Design Plan") which set forth the planned air, surface, and bulk samplings of various areas in and around the Facility to determine the extent of contamination at the Facility, and if circumstances indicated, the extent of off-site contamination. The Design Plan also set forth the date and time workers would be at the Facility, and clearance criteria for Illinois EPA's review and approval.
3. On August 2, 2022, and August 3, 2022, True North updated its Design Plan for the Asbestos Hazard Assessment based on feedback and requests from Illinois EPA. Modified Seal Orders, issued by Illinois EPA on August 3, 2022, and August 4, 2022, authorized True North and other licensed asbestos design professionals retained by Defendant Kroger to access the Facility and conduct the Asbestos Hazard Assessment.
4. On August 3, 2022, through August 5, 2022, True North performed an Asbestos

Hazard Assessment of the Facility pursuant to the approved Design Plan.

5. On August 17, 2022, Defendant Kroger submitted an Asbestos Abatement Remedial Action Design Plan to Illinois EPA for its approval. On August 24, 2022, Illinois EPA rejected Defendant Kroger's plan.

6. On September 7, 2022, Defendant Kroger presented a revised Asbestos Abatement and Remedial Action Design Plan to Illinois EPA ("Revised Abatement Plan").

7. On September 27, 2022, Illinois EPA approved the Revised Abatement Plan. On September 30, 2022, Illinois EPA issued a modification to the Seal Order to allow remediation work pursuant to the Revised Abatement Plan to proceed at the Facility.

8. From October 5, 2022 to December 2, 2022, consistent with the authorizations allowed in the modifications to the Seal Order, Illinois licensed asbestos inspectors, Illinois licensed air sampling professionals, Kroger employees, environmental consultants, licensed asbestos remediation abatement professionals, and various subcontractors and their employees along with others identified in the modifications to the Seal Order were authorized to enter the Facility for the purposes of conducting remediation and abatement activities, removing product from the store, removing equipment and tools from the Facility, and performing cleaning and restoration activities in accordance with the Revised Abatement Plan. The activities conducted pursuant to the approved Revised Abatement Plan were completed on or before December 2, 2022.

9. On December 2, 2022, Defendant Kroger provided to the Illinois EPA a written statement containing a detailed summary of all the asbestos removal and renovation or demolition activities performed at the Facility.

10. On December 6, 2022, due to the completion of the Revised Abatement Plan, Illinois EPA vacated the Seal Order.

II. APPLICABILITY

This Consent Order shall apply to and be binding upon the Parties to the Consent Order. The Defendants waive as a defense to any enforcement action taken pursuant to this Consent Order the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Consent Order. This Consent Order may be used against the Defendants in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2024).

III. JUDGMENT ORDER

This Court has jurisdiction of the subject matter herein and of the Parties to the Consent Order and, having considered the Consent Order and being advised in the premises, finds the following relief appropriate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Civil Penalty

1. The Defendants shall jointly and severally pay a civil penalty of One Hundred and Eight Thousand and No/100 Dollars (\$108,000.00). Payment shall be tendered upon entry of the Consent Order.
2. The civil penalty payment shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").
3. The case name and case number shall appear on the face of the certified check or money order.

B. Payment Procedures

All payments required by this Section shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
2520 W. Illinois Ave.
P.O. Box 19276
Springfield, IL 62794-9276

A copy of the certified check or money order and any transmittal letter shall be sent to:

Christina Briggs
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62701

C. Future Compliance

1. The Defendants shall cease and desist from future violations of the Act, Board Regulations, and Asbestos NEHSAP that were the subject matter of the Complaint.

2. This Consent Order in no way affects the responsibilities of the Defendants to comply with any other federal, state or local laws or regulations, including but not limited to the Act, Board Regulations, and Asbestos NESHPAP.

D. Release from Liability

In consideration of the Defendants' payment of the One Hundred and Eight Thousand and No/100 Dollars (\$108,000.00) penalty and their commitment to cease and desist from future violations as contained in Section III.C.1 above, the Plaintiff releases, waives and discharges the Defendants from any further liability, costs or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Plaintiff's Complaint. The Plaintiff reserves, and this Consent Order is without prejudice to, all rights of the State of Illinois

against the Defendants with respect to all other matters, including but not limited to the following:

- a. criminal liability;
- b. liability for future violations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. the Defendant's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, other than the Defendants.

E. Enforcement of Consent Order

This Consent Order is a binding and enforceable order of this Court. Pursuant to Illinois Supreme Court Rule 304(a), there is no just reason for delay in enforcement or appeal of this Consent Order. This Court shall retain jurisdiction of this matter and shall consider any motion by any party for the purposes of interpreting and enforcing the terms and conditions of this Consent Order. The Defendants agree that notice of any subsequent proceeding to enforce this Consent Order may be made by notice as set forth in this paragraph and Defendants waive the formal requirement of service of process to the extent notice is provided for as set forth herein and with copy to its counsel set forth below. All notices shall be in writing and shall be given by email and certified or registered first-class mail, return receipt requested, postage prepaid, and addressed as follows:

If to SSI:

SSI Services, LLC
308 South State Avenue
Indianapolis, Indiana 46201
Attn: David Weaver
Email: weaverdm@ssiweb.com

With copy to: Holland & Knight LLP
150 North Riverside Plaza, Suite 2700
Chicago, Illinois 60606
Attn: James P. Chivilo
Attn: Gregory R. Meeder
Phone: (312) 715-5895 JPC Direct
Phone: (312) 928-6022 GRM Direct
Email: james.chivilo@hklaw.com
Email: gregory.meeder@hklaw.com

If to Kroger: The Kroger Co.
1014 Vine Street
Cincinnati, Ohio 45202
Attn: Paul W. Parmele
Email: paul.parmele@kroger.com

F. Execution and Entry of Consent Order

This Order shall become effective only when executed by all Parties to the Consent Order and the Court. This Order may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument. The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: Rachel R. Medina
RACHEL R. MEDINA, Chief
Assistant Attorney General
Environmental Bureau

DATE: 1-13-2025

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

BY: Andrew Anthony
ANDREW B. ARMSTRONG
Chief Legal Counsel

DATE: 01/07/2026

FOR DEFENDANT KROGER:

BY: _____

DATE: _____

FOR DEFENDANT SSI SERVICES, LLC:

BY: Daniel J. V.

DATE: 12/22/25

ENTERED:

JUDGE

DATE: 1/21/26

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: _____

RACHEL R. MEDINA, Chief
Assistant Attorney General
Environmental Bureau

DATE: _____

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JAMES JENNINGS, Acting Director
Illinois Environmental Protection Agency

BY: _____

ANDREW B. ARMSTRONG
Chief Legal Counsel

DATE: _____

FOR DEFENDANT KROGER:

BY: Kyle R. S.

DATE: 12/24/25

FOR DEFENDANT SSI SERVICES, LLC:

BY: _____

DATE: _____

ENTERED: hml

JUDGE

DATE: 1/21/24